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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,316	06/15/2005	Jan Van Sinderen	NI 021368	2475
65913 NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131	7550 03/10/2008		EXAMINER NGUYEN, DUC M	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 03/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/539,316

**Applicant(s)**

VAN SINDEREN ET AL.

**Examiner**

DUC M. NGUYEN

**Art Unit**

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 6/15/05

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the information disclosure statements submitted on 6/15/05 has been considered by the examiner (see attached PTO-1449).

### *Claim Objections*

2. Claim 5 is objected to because of the following informalities: "farther" as recited in the claim should be changed to "further". Appropriate correction is required.

### *Claim Rejections - 35 USC 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims **1-5, 10** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** (US Pat. Number **7,206,360**).

Regarding claim **1**, **Ichihara** discloses a mixer-system comprising a mixer-circuit with at least two mixers for frequency translating signals comprising audio/video information and comprising an amplitude detector (fig. 4, rectifier 51, 52) for making

amplitude corrections (see Figs. 1-2, ref. 19) for at least one output signal of said mixer-circuit, wherein said amplitude corrections are made during said frequency translating (note for the **feedback** correction in Fig. 1) of said signals comprising audio/video information (see Figs. 1-4 and Abstract), wherein it would have been obvious to one skilled in the art that the receiver in **Ichihara** would be able to receive video information as well as audio information.

Therefore, the claimed limitations are made obvious by **Ichihara**.

Regarding claim 2, **Ichihara** would teach said amplitude detector comprises at least two inputs coupled to at least two outputs of said mixer-circuit and at least one output coupled to at least one control input of said mixer-circuit, with said mixer-circuit further comprising at least two amplifier-circuits coupled to said mixers for amplifying mixer signals, with at least one of said amplifier-circuits being coupled to said control input for receiving a control signal for controlling a gain of said amplifier-circuit as claimed (see Figs. 1-2 and their related disclosure).

Regarding claim 3, **Ichihara** would teach said amplitude detector comprises at least two level detectors each comprising an output coupled to an input of an amplifier (see Figs. 1-2, 4 and their related disclosure).

Regarding claim 4, **Ichihara** would teach said mixer-system comprises at least one further amplitude detector per amplifier-circuit of which further amplitude detector at least one input is coupled to at least one output of said amplifier-circuit and of which further amplitude detector at least one output is coupled to said amplifier-circuit for controlling a gain of said amplifier-circuit for making common-mode corrections as

claimed (see Figs. 1-2 and their related disclosure), wherein it would have been obvious to one skilled in the art to utilize a common mode as an alternative of design choice.

Regarding claim **5**, **Ichihara** would teach said farther amplitude detector comprises at least two level detectors with inputs of said level detectors being coupled to outputs of said amplifier-circuit and with outputs of said level detectors being coupled to inputs of an amplifier as claimed (see Figs. 1-2 and their related disclosure).

Regarding claim **10**, the claim is rejected for the same reason as set forth in claim 1 above.

5. Claim **7** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** in view of **Leenaert** (US Patent Number **6,999,745**).

Regarding claim **7**, the claim is rejected for the same reason as set forth in claim 2 above. However, **Ichihara** fails to teach a variable resistor for adjusting the gain of the amplifier. However, **Leenaerts** teaches a variable amplifier wherein a variable resistor is used for adjusting the gain of the amplifier (see Fig. 2, col. 4, lines 50-60 regarding variable gain 30 and controllable resistor R). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize an adjustable resistor as claimed as an alternative of design choice (i.e, cost saving), for adjusting the gain of the variable amplifier.

6. Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable by **Ichihara** in view of **Olson** (US Patent Number **7,050,778**).

Regarding claim **9**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, since the use of a poly-phase filter coupled to a mixer is well known in the art as disclosed by **Olson** (see Fig. 13 regarding poly-phase filter 1318), it would have been obvious to one skilled in the art at the time the invention was made to utilize an adjustable resistor as claimed, for further improving the performance of the system (i.e, filter distortions caused by amplifier circuits).

***Allowable Subject Matter***

7. Claims **6, 8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

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(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,  
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Nay Muang (Supervisor) whose telephone number is (571) 272-7882.

/Duc M. Nguyen/

Primary Examiner, Art Unit 2618

Feb 27, 2008